

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 99-063

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

a. Section Trans 2.055 (6) provides in part that the formal contested case requirements in ch. 227, Stats., are not applicable to the review of an application for capital assistance. If, without this provision, a review would be subject to contested case requirements, the department should cite its statutory authority for this provision. However, if this is merely a statement that these proceedings do not meet the definition of a contested case, this information should be contained in a note to the rule.

b. Section Trans 2.055 (9) provides that the final decision of the department is not subject to judicial review. The department should cite its authority for this exemption to ch. 227, Stats.

c. Section Trans 2.09 provides that a recipient of assistance must maintain human service vehicle or school bus registration, except that a local public body owner or operator may maintain municipal registration in certain circumstances. If human service vehicle or school bus registration is a general requirement, what authority exists for the department to exempt a local public body owner or operator from maintaining that registration?

2. Form, Style and Placement in Administrative Code

a. In SECTION 8, the word “is” should be replaced by the word “are.”

- b. In s. Trans 2.06 (2) (c) 4., the word “shall” should be replaced by the word “will.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. Trans 2.055 (2) and (9), the commas should be deleted.
- b. In s. Trans 2.10 (1) (a) 3., the comma should be deleted.
- c. Section Trans 2.11 provides that assistance recipients must maintain records in the manner required by the department and prepare special reports as required by the department or by governing federal regulations. Can cross-references be provided to these requirements? If not, how will recipients discern the requirements and why are the requirements not placed in the Wisconsin Administrative Code?